

AUG 08 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In re Application


Inventors: Patrick Chiu, et al.  
Application No.: 09/843,197  
Confirm. No.: 8826  
Date Filed: April 26, 2001  
Title: INTERNET-BASED SYSTEM FOR  
MULTIMEDIA MEETING MINUTES

PATENT APPLICATION

Art Unit: 2178  
Examiner: Cong Lac T. Huynh  
Atty. Docket No.: FXPL-01024US0

Customer No. 23910

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8  
I hereby certify that this correspondence is being transmitted by facsimile to the  
Commissioner for Patents, the United States Patent and Trademark Office, Facsimile No.  
(703) 872-9306, on the date shown below.

  
Matthew Otis (Signature)  
Signature Date: August 8, 2006

INTERVIEW SUMMARY

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax No. 571 273-4125

Madam/Sir:

This is a summary of a telephone interview with Examiner Huynh and the Examiner's supervisor, Stephen Hong, on Tuesday 8<sup>th</sup> August between 11am and 12 noon.

The Applicants would like to thank Examiner Huynh and Supervisory Examiner Hong for granting the interview and entertaining the Applicants' questions. During the interview the Supervisory Examiner indicated that the Examiner would contact the Applicants with an answer to two specific questions.

The first question is whether a declaration of fact by an inventor made under 37 CFR 1.131 can be used to support more than a single argument for antedating a prior art reference.

With regard to the question concerning constructive reduction to practice, the Applicants note that the MPEP states "Reduction to practice may be an actual reduction or a constructive

AUG 08 2006

reduction to practice which occurs when a patent application on the claimed invention is filed. The filing of a patent application serves as conception and constructive reduction to practice of the subject matter described in the application." MPEP 2138.05 (emphasis added).

The Applicants respectfully submit that there is nothing *per se* contradictory with a declaration that indicates facts which support an inference of conception and actual reduction to practice prior to the second reference, and constructive reduction to practice after the date of the second reference. Such a declaration could support more than a single way to establish prior invention of the claimed subject matter, e.g., MPEP 705.07 III (A) and MPEP 705.07 III (C).

The USPTO Special Program may want to consider that inspection of the declaration in question reveals only a series of facts. No conclusion is presented on the face of the document. As such, the declaration draws no inference about the facts, such as whether they support conception and actual reduction to practice versus conception and due diligence. Rejection of this declaration on the basis that it might be used to support more than a single argument raises a question as to whether the USPTO wishes to undertake the examination of declarations to determine if they COULD be used to support more than one argument.

The second question is whether the Applicants' declaration as submitted would support the requirements for establishing conception and due diligence during the entire period.

The Applicants look forward to the Examiner's responses to these two questions.

Dated: 8/8/06

Respectfully submitted,

By: 

Anthony G. Craig  
Registration No. 50,342

FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800  
Facsimile: (415) 362-2928  
E-mail: [acraig@fdml.com](mailto:acraig@fdml.com)  
Customer No.: 23910